

**SOLICITOR**

|     |  |                                |  |
|-----|--|--------------------------------|--|
| TO: | Mail Stop 8  | AUG 22 2007                    | REPORT ON THE  |
|     | Director of the U.S. Patent and Trademark Office<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | U.S. PATENT & TRADEMARK OFFICE | FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court ED/TX-Marshall Division on the following ☒ Patents or ☐ Trademarks:

| DOCKET NO.<br>2:07-cv-354  | DATE FILED<br>8/16/2007     | U.S. DISTRICT COURT<br>ED/TX-Marshall Division   |
|----------------------------|-----------------------------|--|
| PLAINTIFF<br>NextCard, LLC |                             | DEFENDANT<br>American Express Company, Discover Financial Services LLC, HSBC North America Holdings Inc., HSBC USA, Inc., and The PNC Financial Services Group, Inc. |
| PATENT OR TRADEMARK NO.    | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK  |
| 1 6,405,181                | 6/11/2002                   | NextCard, Inc.   |
| 2 6,567,791                | 5/20/2003                   | NextCard, Inc.   |
| 3 7,143,063                | 11/28/2006                  | NextCard, Inc.   |
| 4 6,718,313                | 4/6/2004                    | NextCard, Inc.   |
| 5                          |                             |  |

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED           | INCLUDED BY<br><input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |                               |  |
|-------------------------|---|-------------------------------|--|
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK   | HOLDER OF PATENT OR TRADEMARK |  |
| 1                       |   |                               |  |
| 2                       |   |                               |  |
| 3                       |   |                               |  |
| 4                       |   |                               |  |
| 5                       |   |                               |  |

In the above—entitled case, the following decision has been rendered or judgement issued:

|                    |                   |      |
|--------------------|-------------------|------|
| DECISION/JUDGEMENT |                   |      |
| CLERK              | (BY) DEPUTY CLERK | DATE |

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy